

In the United States District Court

For the _____ District of _____ (State)
 _____ Division

Name: Emerson D. Smith

Prison ID #: 33-133-007

Name: _____

Prison ID #: _____

Name: _____

Prison ID #: _____

☐ Check here if there are additional
 Plaintiffs--use separate sheet to
 list each person. DO NOT USE ET AL.

vs.

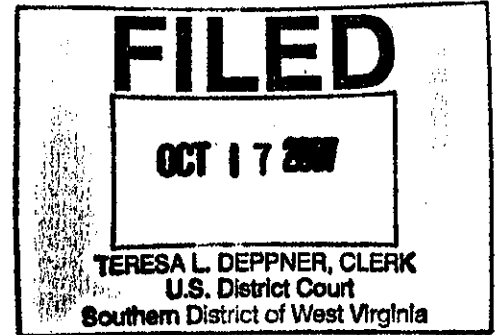
Name: Jay Martin O.I.C. SHU 1st Shift

Name: _____

Name: _____

Name: _____

☐ Check here if there are additional
 Defendants--use separate sheet to
 list each person. DO NOT USE ET AL.



Civil Action #: 5:07-0647

(To be assigned by the Clerk's
 Office. Do not write in this blank.)

Complaint for the Violation of Civil Rights
Under 42 U.S.C. § 1983

I. Previous Lawsuits

A. Have you or any of the other plaintiffs listed above filed any other lawsuits in the United States District Courts and/or any state courts?

☐ Yes☒ No

B. If you answered YES to Question A, list the following information:

☐ Check here if more than one lawsuit has been filed and list them on additional sheets

1. Parties to previous lawsuit:

Plaintiffs: None

Defendants: None

2. In what Court did you file the previous lawsuit?

N/A

(If Federal Court, name the District; if State Court, name the county.)

3. Case Number of the previous lawsuit: None

4. Name of judge to whom the case was assigned: _____

5. Date previous lawsuit was filed: ____/____/____ (List at least the year.)

6. What was the disposition or result of the previous lawsuit? (for example, was it dismissed, appealed, or still pending)

None

7. When was previous lawsuit decided: ____/____/____ (List at least the year.)

8. Did the previous lawsuit involve the same facts or circumstances that you are now alleging in the lawsuit you are now submitting?

☐ Yes

☒ No

II. Place of Plaintiff(s)'s current confinement:

A. Name of prison or jail in which you are currently incarcerated:

Federal Correctional Institute- Beckley

B. Are the facts of your lawsuit related to your confinement in your present prison or jail?

☒ Yes

☐ No

C. If you answered NO to question B, list the name and address of the jail or prison to which the facts of your lawsuit relate:

D. Did you present these facts to the prison authorities through the prisoner grievance procedure?

☒ Yes

☐ No

E. If you answered Yes to question D:

1. What steps did you take: Filed Grievance and 8's, 9's

2. What was result: ~~No disposition rendered~~ No Disposition rendered at Admin. level

F. If you answered No to question D, explain why not: _____

N/A

III. Parties to this Lawsuit

A. Plaintiff(s) bring this lawsuit:

1. Name of Plaintiff: Emerson D. Smith

Prison ID #: 33-133-007

Address, include name of institution: Federal Correctional Institution
Beckley P.O. Box 350 Beaver West Virginia 25813

2. Name of Plaintiff: _____

Prison ID #: _____

Address, include name of institution: _____

3. Name of Plaintiff: _____

Prison ID #: _____

Address, include name of institution: _____

☐ Check here if there are additional plaintiffs and list them on additional sheet of paper.

- B. Defendants against whom you are filing this lawsuit:
For each defendant, check whether you are naming the defendant in his or her individual and/or official capacity.

1. Name of Defendant: Jay Martin O.I.C.(SHU) 1ST Shift
Place of Employment: Federal Correctional Institute- Beckley
Address of Defendant: P.O.Box 350
Beaver, West Virginia 25813

Named in an official capacity? ☐ Yes ☐ No
Named in an individual capacity? ☒ Yes ☐ No

2. Name of Defendant: _____
Place of Employment: _____
Address of Defendant: _____

Named in an official capacity? ☐ Yes ☐ No
Named in an individual capacity? ☐ Yes ☐ No

3. Name of Defendant: _____
Place of Employment: _____
Address of Defendant: _____

Named in an official capacity? ☐ Yes ☐ No
Named in an individual capacity? ☐ Yes ☐ No

- ☐ Check here if there are more than 3 defendants. You must list each and every defendant. If you do not list the name of a defendant, he or she will not be included in the lawsuit. If you do not list the place of employment and address the clerk will not be able to serve that defendant. Use addition sheets of paper to list more than 3 defendants.

IV. Statement of your claim

State as briefly as possible all the facts of your case. Recite the dates when any incidents or events occurred, and the places where they took place. Describe how each defendant is involved. Also include the names of other persons involved and the dates and places of their involvement.

If you set forth more than one claim, number each one, and use a separate paragraph for each one.

On 8-12-07 Plaintiff was placed in Admin. Detention pending incident report allegedly. Defendant Martin O.I.C. Shu had plaintiff removed from cell A-15 along with cellmate Bell who was housed with plaintiff at such time. Plaintiff and cellmate Bell were both taken to ~~strip~~ strip-cell and ordered to strip down naked. After doing so inmate Bell was instructed to put his clothes back on and was then returned to cell A-15 where housed. Plaintiff was left naked in strip-cell with lights turned off for approx. 30 minutes. No explanation given when plaintiff asked why such action was taking place. No resistance was ever offered by plaintiff throughout this ordeal. When Plaintiff was finally returned to cell he (plaintiff) learned through his cellmate that Officer Martin O.I.C. SHU had whispered to plaintiff's cellmate Bell that Bell could bust plaintiff in head with food tray it ~~was~~ would not matter to him. Also, in my return back to my cell Officer Martin O.I.C. SHU stated that he would out of spite bust plaintiff in face. Plaintiff complained to Capt. Hutinson in front of Defendant Martin that threats were made by defendant on plaintiff's life and that a Separation order was needed in this instant case. Plaintiff complained to other staff to no avail.

Plaintiff contends that his Civil Rights as well as due-process rights were in fact violated. Plaintiff has medical condition of High Blood Pressure, Anemia, Hepatitis C, and other. This action by defendant Jay Martin constitutes "cruel and unusual punishment."

V. Relief requested: List what you want the court to do; list what relief you seek against each defendant:

- A. Compensatory damages in the amount of \$10,000 dollars
- B. Punitive Damages in the amount of \$50,000
- C. Mental Anguish in the amount of \$25,000
- D. _____
- E. _____

I (we) hereby certify under penalty of perjury that the above complaint is true to the best of my (our) information, knowledge and belief.

Signed this 4 day of August 2007.

Signature: Emerson Smith

Prison ID #: 33-1330007

Address: Federal Correctional Institution-Beckley

P.O. Box 350 Beaver West Virginia 25813

Signature: _____

Prison ID #: _____

Address: _____

Signature: _____

Prison ID #: _____

Address: _____

☐ Check here if additional signatures are included on an additional sheet of paper.

All plaintiffs must sign complaint.

"Authorized By The Act Of July
27, 1955 To Administer Oaths
(18 USC 4004)."

[Signature]
Case Manager

9/4/07

Emerson Smith 33-133-667
Federal Correctional Institution - Beckley
P.O. Box 350
Beckley, West Virginia

25813

US MARSHALS SERVICE
X-RAYED
BY: _____

Sensitive
Legal
Mail

Lock Robert C. Byrd
United States District Court
U.S. Courthouse
110 W. Weber Street Room 119
Beckley West Virginia
26801

From addressee Only

